

Application Serial No.: 09/618,030
Reply to Office Action dated September 10, 2003

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-5, 9-11, 13-20, and 22-23 are presently active in this case.

Claims 11, 17, and 23 were indicated as being allowed. Claims 5 and 10 were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In the outstanding Official Action, Claims 1-4, 9, 18-20, and 22 under 35 U.S.C. 102(b) as being anticipated by Marantz (U.S. Patent No. 5,019,686). For the reasons discussed below, the Applicant traverses the anticipatory rejection.

Claim 1 of the present application recites a nozzle for a burner comprising, among other features, a body having a first end adapted to attach to the burner and a second end. The nozzle includes a first tube extending through the body and having a first outlet on the second end of the body, and a second tube extending through the body and having a second outlet on the second end of the body. The first tube and the second tube are separate along a substantial length of the body. The first tube maintains a constant cross-sectional area over an entire length thereof.

The Official Action cites annular oxidant passage (40) in the Marantz reference for the teaching of the first tube of Claim 1 of the present application, and annular fuel passage (32) for the teaching of the second tube. The Official Action references Figure 6 for these teachings. The Applicant submits that several differences exist between the present invention as recited in Claim 1 and the invention described in the Marantz reference.

Firstly, Claim 1 recites a first tube extending through a body and having a first outlet on a second end of the body, and a second tube extending through the body and having a

second outlet on the second end of the body. The annular oxidant passage (40) and the annular fuel passage (32) of the Marantz reference do not extend to a second end of the body that makes up the flame spray apparatus (10). The annular oxidant passage (40) and the annular fuel passage (32) only extend to fuel outlet (33), and the flame spray apparatus (10) then continues through a converging throat (18) and a barrel (14). Accordingly, the Marantz reference does not disclose a first tube extending through a body and having a first outlet on a second end of the body, and a second tube extending through the body and having a second outlet on the second end of the body, as recited in Claim 1.

Secondly, Claim 1 recites that the first tube and the second tube are separate along a substantial length of the body. As noted above, the annular oxidant passage (40) and the annular fuel passage (32) only extend to fuel outlet (33) and join together for a substantial length of the flame spray apparatus (10) along the converging throat (18) and the barrel (14). Accordingly, the Marantz reference does not disclose a first tube and a second tube that are separate along a substantial length of the body, as recited in Claim 1.

Thirdly, Claim 1 recites that the first tube maintains a constant cross-sectional area over an entire length thereof. The Official Action cites the annular oxidant passage (40) of the Marantz reference for the teaching of the first tube. The annular oxidant passage (40), however, has a tapered portion near outlet (41), and thus the cross-sectional area of the annular oxidant passage decreases along the tapered portion. Accordingly, the Marantz reference does not disclose a first tube that maintains a constant cross-sectional area over an entire length thereof, as recited in Claim 1.

Accordingly, the Applicant respectfully submits that the Marantz reference does not disclose all of the limitations recited in Claim 1 of the present application. Thus, the Applicant requests the withdrawal of the anticipation rejection of Claim 1 based upon the

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Marantz reference.

Claim 13 of the present application recites a nozzle for a burner comprising a body having a first end having a plurality of outlet holes and a second end having a plurality of outlet holes, where each inlet hole is connected to a single outlet hole by a separate tube. All of the separate tubes in the body extend along a common plane in a non-coaxial orientation. Claim 19 of the present application recites a nozzle for a burner comprising a body having a first end adapted to attach to the burner and a second end. The body has a plurality of separate tubes extending therethrough, and the plurality of separate tubes each have an inlet hole on the first end and an outlet hole on the second end. All of the plurality of separate tubes in the body extend along a common plane in a non-coaxial orientation.

The Official Action cites feedstock supply tube (22), annular fuel passage (32) and annular oxidant passage (40) in the Marantz reference for the teaching of separate tubes of Claims 13 and 19 of the present application. The Applicant submits that significant differences exist between the present invention as recited in Claims 13 and 19 and the invention described in the Marantz reference. For example, the Applicant notes that the feedstock supply tube (22), the annular fuel passage (32) and the annular oxidant passage (40) are provided in a coaxial orientation, which is contrary to the language of Claims 13 and 19 that recite that all of the plurality of separate tubes in the body extend along a common plane in a non-coaxial orientation.

Accordingly, the Applicant respectfully submits that the Marantz reference does not disclose all of the limitations recited in Claims 13 and 19 of the present application. Thus, the Applicant requests the withdrawal of the anticipation rejection of Claims 13 and 19 based upon the Marantz reference.

The Applicants note that a claim is anticipated only if each and every element as set

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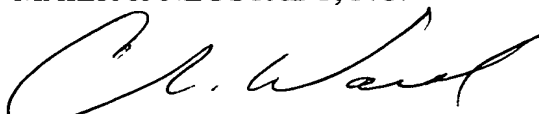
forth in the claims is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Marantz reference clearly does not meet each and every limitation of the independent Claims 1, 13, and 19.

Dependent Claims 2-4, 9, 14-16, 18, 20, and 22 are considered allowable for the reasons advanced for the independent claims from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed, taught, nor suggested by the applied references when those features are considered within the context of their respective independent claim.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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